



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, JULY 29, 2011 MEETING MINUTES

MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman
Rhetta Alexander, San Fernando Valley Interfaith Council
Lawrence Beeson, Loma Linda University, School of Public Health
Paul Choe, Korean Drycleaners & Laundry Association
Alycia Enciso, Small Business Owner
Mary Figueroa, Riverside Community College
Pat Kennedy, Greater Long Beach Interfaith Community
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor
Angelo Logan, East Yard Communities for Environmental Justice

MEMBERS ABSENT:

Detrich Allen, City of Los Angeles Environmental Affairs
Suzanne Bilodeau, Knott's Berry Farm
Afif El-Hasan, American Lung Association
Mimi Holt, SEIU Local 121 Registered Nurses
Andrea Hricko, Southern California Environmental Health Sciences
Maria Elena Kennedy, Quail Valley Task Force
Evelyn Knight, Long Beach Economic Development Commission
Margaret Mapes, St. Joseph Center
Daniel Morales, National Alliance for Human Rights
John Moretta, Resurrection Church
Elina Nasser, Center for Occupational and Environmental Health, UCLA
William Nelson, OC Signature Properties
Paul Ong, UCLA School of Public Affairs
Salvador Ramirez, National Hispanic Environmental Council
Neal Richman, Breathe LA
Woodie Rucker-Hughes, NAACP – Riverside Branch
Rafael Yanez, Member of the Public

OTHERS PRESENT:

LaDonna DiCamillo, BNSF
Earl Elrod, Board Member Assistant (*Yates*)
Nicole Nishimura, Board Member Assistant (*Lyou*)
Sue Gornich, BP
Elio Torrealba, SA Recycling LLC

AQMD STAFF:

Elaine Chang, Deputy Executive Officer

Chung Liu, Deputy Executive Officer
Lourdes Cordova Martinez, Community Relations Manager
Matt Miyasato, Assistant Deputy Executive Officer
John Olvera, Principal Deputy District Counsel
Jean Ospital, Health Effects Officer
Lisa Tanaka O'Malley, Community Relations Manager
William Sanchez, Sr. Public Affairs Manager
Nicole Soto, Secretary
Jill Whynot, Assistant Deputy Executive Officer

Agenda Item #1 - Call to Order/Opening Remarks

Chair Dr. Joseph Lyou called the meeting to order at 12:08 PM.

Chair Lyou said it would be useful to form sub-groups so members can offer advice in key areas of interest, such as schools, goods movement, and land use. Chair Lyou further stated that they can form sub-groups composed of two people interested in making priority recommendations at the next meeting.

***Action Item:** Agendize forming committee sub-groups for the next meeting.*

Mr. William Sanchez made an announcement on the Permit Amnesty program.

Agenda Item #2 – Approval of April 29, 2011 Meeting Minutes

Chair Lyou called for the approval of the meeting minutes. The April 29, 2011 meeting minutes were approved.

Per John Olvera's suggestion at the last meeting Chair Lyou reviewed the Attorney General's guidance document on the Brown Act and thought it would be useful to provide it to the EJAG members.

***Action Item:** Provide members the website link to the Attorney Generals Brown Act guidance document.*

Agenda Item #3 – Member Updates

Dr. Lawrence Beeson noted to members that he can provide an update on the San Bernardino Railyard study being conducted by Loma Linda University toward the end of the year.

Mr. Angelo Logan noted the Gateway Cities Council of Governments (COG) is initiating an Air Quality Action Plan which will cover the entire Gateway Cities COG region, and will look at a compendium of measures completed since 2006 as well as opportunities for future improvements or measures for air quality. Chair Lyou said District staff are involved and hopes the Gateway Cities COG process takes into account the District's Air Quality Management Plan (AQMP).

Mr. Logan informed members that the City of Commerce is moving forward to draft a potential Green Zone policy. The policy would encourage businesses to locate in a Green Zone to create a buffer between sensitive receptors and emission sources. Chair Lyou asked if the proposal was moving forward through the city's process. Mr. Logan replied that Commerce's Planning Commission approved the Green Zone policy as recommended by their Environmental Justice Task Force. The Planning Commission has now proposed the Green Zone policy to their City Council as an item to convene a working group for further development.

Ms. Brenda LaMothe asked if there is a report on cancer risks and, if not, is there interest in looking at people who are affected by cancer in the Ports area. Chair Lyou noted there are several studies on issues relating to air pollution and cancer, but noted there are limits on what science can show. Chair Lyou said there are relationships between diesel exposures based on studies of railroad workers because they know how much diesel exhaust they have been exposed to, and said it is difficult to determine the cause and effect with individual studies unless the cause is very unique. Chair Lyou mentioned the District will be beginning the MATES IV studies soon. Dr. Jean Ospital said brain cancer cases have been increasing. Dr. Ospital also noted that breast cancer involves a variety of factors, but that environmental causes are not rated very high.

Agenda Item #4 – Draft Energy Policy

Dr. Elaine Chang provided an overview of the District's Draft Energy Policy.

Chair Lyou asked how much of the electricity consumed in the basin is produced by natural gas. Dr. Chang replied that for our basin's consumption, it is in the 20-30 percent range, because while natural gas is mostly used for generation in-basin, about 70-75 percent of the electricity consumed in the basin is imported. Mr. Logan asked what the percentage is for electricity generated through waste. Dr. Chang replied that it is a very small amount at this time.

Chair Lyou noted a potential conflict between greenhouse gas (GHG) emissions reduction strategies and efforts to reduce NOx. As an example, Chair Lyou cited that if car makers switch vehicles from gasoline to diesel to reduce CO2 emissions, they are adding to the NOx problem. Dr. Chang replied that is why it's important to address the District's different needs and said the Energy Policy will assist so that type of trade off does not occur.

Mr. Logan asked if the different sources of electricity generation in the basin were identified. Dr. Chang noted that 85 percent of electricity generated in the basin is generated by natural gas and the rest is generated by hydro and renewable gas.

Mr. Logan asked if Dr. Chang could explain the black box. Dr. Chang explained that under the Clean Air Act for extreme non-attainment areas, the federal government gave the District 20 years to meet the air quality standards with the knowledge that the District would need to go beyond the available control technologies. So, they allow the District to put a certain amount of emission reduction strategies into what is known as the "black box," meaning that they will require technology advancement to implement those strategies. Dr. Chang confirmed that under the Clean Air Act, the District will have to turn all measures into control measures and then into regulations three years prior to the deadline, which means by 2020.

Mr. Pat Kennedy asked if the allowable amount of NOx for the federal standards is based on regulations or if it's a measure of health. Dr. Chang said it's based on modeling data. Chair Lyou added it's both, because the standard is based on health, and explained the Environmental Protection Agency (EPA) sets the standard and we do the modeling. Chair Lyou asked about the aspect of volatile organic compounds (VOC). Dr. Chang replied that there will be about 300 – 400 tons per day of anthropogenic VOC emissions remaining after all AQMP control measures are implemented, but there also will be a lot of biogenic VOC emissions that cannot be controlled effectively. This is why the District believes it is more efficient to focus on NOx reductions, but VOC reductions are also needed.

Ms. Rhett Alexander asked what demand side management means. Dr. Chang said it is a category used to capture energy efficiency, conservation, and load shifting. If you can manage the supply and demand

of electricity, there will not be as much stress on the system and there would be lower demand to build additional power plants. Dr. Chang continued to explain if power plants are needed, we are promoting in basin distributable renewable generation, and do not intend to shift our air quality problem out of the basin. Chair Lyou asked what renewable generation technologies would qualify. Dr. Chang responded it would be neighborhood solar panels, wind technology, and bio-gas, small scale geo-thermal to the extent that resources are available.

Chair Lyou asked what comments were received from the prior day's stakeholder meeting on the draft Air Quality Related Energy Policy. Dr. Chang said the primary issues raised were why the policy is needed, the impact on industry, and interest in reviewing the socio economic report.

Mr. Logan said, the mobile source issue is very important to include in the policy and asked what the role of the District is with the AQMP and conformity of the Regional Transportation Plan (RTP), which needs to address diesel and gasoline issues. Chair Lyou noted there are measures in the policy that are addressing mobile sources, but that it may be a matter of emphasis. Mr. Logan mentioned that it would be useful to learn about the District's role in the RTP for a future presentation. Chair Lyou noted at a future meeting we can talk about the District's role in the RTP and AQMP.

Action Item: *Agendize a discussion on the District's role in planning for the AQMP and RTP.*

Mr. Kennedy asked what happens if the federal standards aren't met. Dr. Chang said there are federal sanctions, including: increasing the offset ratio to 2 to 1 for businesses requiring new permits; and, the cutoff of all highway funding, which is billions of dollars. Mr. Kennedy asked if the consequences are noted in the policy. Dr. Chang replied no but it's stated in the Clean Air Act. Mr. Kennedy mentioned the policy would be more relevant to people if they understand the consequences. Chair Lyou said it would not be a bad idea to include it in the Adoption Resolution.

Ms. Alexander noted she is not sure how this policy is going to be implemented. Dr. Chang replied it's a three step implementation process. First, the Board sets the policy and gives direction to staff to move towards zero and near zero emissions strategies. Second, when planning the AQMP, specific actions may be incorporated as control measures. Third, once the AQMP is adopted, the rule making process will begin. Dr. Chang explained that the policy in and of itself is not a regulation. Rules have a specific public process to follow for development and for each step there is certain criteria and ample time for stakeholder participation and due process.

Ms. Alycia Enciso noted she does not see any educational process for the different agencies in the policy. Dr. Chang said it's in the policy and she will give them a copy. Ms. Enciso mentioned the planning of cities, schools, and railways need to be addressed in the policy and also mentioned meeting with planners, schools, and elected officials to share the information with them. Chair Lyou asked members to review the policy and make recommendations for priorities at the next meeting. Ms. Enciso asked if making recommendations is something the group has already done. Chair Lyou said they haven't formally provided recommendations.

Mr. Logan said he is supportive of the concept to form EJAG sub-groups and asked if in the short term, there's a way to organize educational meetings with planners and local governments on land use issues. Chair Lyou said every month Board members receive the board package that includes a section from the Legislative and Public Affairs office, which contains a long list of people they've met with to discuss local air quality issues that include elected officials, schools and churches. Mr. Sanchez added it also

includes groups reached through Air Quality Institutes (AQI's) which are mini training sessions on air quality challenges and solutions. Mr. Sanchez continued to say they met with a group of planners about two years ago. Ms. Enciso said she would like to see the list of outreach and education being conducted. Chair Lyou noted the packages are available online and also noted the report includes a list of events participated in by the District.

Mr. Kennedy asked if there is a group of planners working on land use policies. If so, what strategies are needed to protect the public's health and how are the standards shared with decision makers. Mr. Sanchez said there have been a series of guidance documents developed over the years, one being the school guidance document for which there was extensive outreach by giving presentations and separately meeting with school district planners. Chair Lyou added there was a guidance document for general plans, and an Air Resources Board (ARB) land use guidance document. Dr. Chang noted, as part of the Clean Communities Plan (CCP), the District is committed to developing a brochure called Proximity Matters and updating the land use guidance document into something more user friendly. Further, within the CCP pilot communities, planners will be included in the dialogue to work together.

Agenda Item #5 – Powering the Future

Mr. Matt Miyasato provided an overview of Powering the Future.

Ms. Enciso asked who regulates maritime industry. Dr. Miyasato responded, the federal government. Ms. Enciso asked why the federal government does not take action. Dr. Miyasato explained that AQMD is not allowed to assign the federal government emission reductions. Chair Lyou added that the District doesn't have the authority to tell the maritime industry what to do. Ms. Enciso asked who has the authority and Chair Lyou responded the federal government. Ms. Enciso asked if there is dialogue between the maritime industry, AQMD and the federal government. Chair Lyou said they are trying, but one of the things needed is to make sure the California Congressional members are aware and taking the information back to Washington, D.C. Dr. Miyasato added that through Legislative and Public Affairs, they are conducting the AQI's to highlight the issues and brainstorm solutions with stakeholders, and has gone to Washington, D.C. numerous times to get dialogue started. Chair Lyou noted that if and when EPA makes health standards more stringent, other areas in the nation will be out of attainment and they will be facing the same sanctions as the South Coast. Therefore, the District will have broader support across the country for more aggressive action on those sources. Ms. Enciso asked if EJAG members can meet with elected officials and inform them on the issues. Chair Lyou responded that EJAG members are free to meet with them. Ms. Enciso asked which elected members are on board. Chair Lyou said there is general support, but the conversation is focused on the debt ceiling and in order for the message to carry, they have to make sure the timing is right.

Mr. Kennedy asked who's putting the strategy together of how Powering the Future is being used, who is being targeted, and how they plan on using the committee members as part of that strategy. Mr. Sanchez said staff have been making presentations, meeting with local government groups and officials, and have been to Sacramento. Mr. Sanchez also noted that he will take Mr. Kennedy's statement as an invitation to brief the committee members.

Ms. LaMothe noted that newly elected Representative Janice Hahn is very familiar with the Harbor area and that it would be an appropriate time to meet and bring this to her attention. Ms. LaMothe also said it would be useful to find out who sits on the appropriate committees that represent the state and approach them to begin dialogue. Chair Lyou asked if you can "Like" "Powering the Future" on Facebook. Mr. Olvera said you can and Chair Lyou encouraged members to use that as a tool to spread the word.

Agenda Item #6 – BP/ARCO Settlement Funds

Mr. Jean Ospital and Ms. Lourdes Cordova Martinez provided an overview of the status of the BP/ARCO Settlement Funds.

Mr. Pat Kennedy asked if the settlement amounts were over three years, which Mr. Ospital replied that it was the projects that were approved which amounts to seven years worth of funding, and about \$20 million dollars to date.

Ms. Enciso asked how much the tree planting cost, to which Mr. Ospital responded \$152,000 for 580 trees.

Ms. Enciso asked in what areas the flag program was conducted. Ms. Martinez said she can provide a list, but there were about 60 schools that participated. Ms. Enciso asked if San Bernardino and Riverside schools participated, which Ms. Martinez confirmed and noted participating schools were throughout the four counties.

Ms. Enciso asked what the result was of the money that was allocated to Loma Linda University. Dr. Beeson said that the study is in progress and there are two phases. The first phase is to survey residents living within the 11 zip codes surrounding the rail yards; and, the second phase is to survey the schools. He said they have just begun phase one, so they will have results later this year. Ms. Enciso asked if the questionnaires have gone out, and Dr. Beeson responded they are just beginning to survey.

Mr. Kennedy asked if there was an assessment for the flag program and if there will be continued funding for it. Ms. Martinez said an assessment was completed as part of the final report and the program was completed two years ago. Ms. Martinez continued to explain that the program was conducted with the American Lung Association, so they were able to assist with providing the flags to the school, and conduct in-service training to school staff. Ms. Martinez noted some schools continued the program on their own, after funding ran out, since they had the materials. She said she would be able to provide a list of schools that continued with the program. Mr. Kennedy said he is more interested if the program was effective and if it were worth continuing. Ms. Martinez replied along with the list of schools she would be able to provide the final report.

Action Item: *Provide a list of schools that continued the flag program to members.*

Mr. Kennedy asked if the fence line monitoring is still being funded. Dr. Chung Liu said the monitoring project is being restarted. Mr. Kennedy asked if the monitoring would pick up emissions if they are at a certain height. Dr. Liu said you can change the position of the sensors to pick up emissions. Ms. Enciso asked what the height was for the sensors. Dr. Liu said the height varies, but 50 meters is probably the maximum height. Mr. Kennedy asked if there has been any progress with real time monitoring and linking it to reverse 911 and the fire department. Dr. Liu responded the canister program will be on a trial basis and can be triggered remotely. Mr. Kennedy asked if they are still considering an electric billboard, instead of flags, for air quality. Dr. Liu said he was not aware of funding for electric billboards.

Ms. Enciso asked if they are moving into the next three years, and Chair Lyou responded that it was the first seven years. Mr. Ospital explained that the Settlement Agreement specified what type of projects should be funded from the community benefits program for the first three years, and then after that it was up to the Oversight Committee to determine how the funds were spent. Ms. Enciso said her concern for the Inland Empire is the school filters and tree planting programs. Mr. Ospital explained the process

is to put in a proposal and then the committee will determine which proposals will be funded. Ms. Enciso asked when the request for proposals are going out to the public. Mr. Ospital said they are going out September 9, 2011 for next year, which Chair Lyou noted will be available on the website. Mr. Kennedy asked if the school filters would fit in with this funding. Mr. Ospital said previous funding from this program did not include filters, but the District has been involved with installing filters from different sources of funding. Mr. Kennedy asked if there were any problems with using this money to fund air filters. Mr. Ospital said they would like to see proposals related to air pollution and health improvement and that it's up to the committee.

Ms. Enciso asked about cancer and autism studies. Dr. Beeson responded Dr. John Morgan is the cancer register and he is going to look at how many people got cancer in the area of the 11 zip codes around the rail yards and then compare them to all of San Bernardino County to see if there is greater incidence. Dr. Beeson noted at the moment there is no research for autism. Mr. Ospital noted there was a study out of USC that looked at children living near traffic sources and busy roadways, which did find an association with autism. This is the first study he is aware of that showed that link. Ms. Enciso asked if any of the money would be going to study autism. Mr. Ospital replied that he is not aware of any. Ms. Enciso asked if it's because no one has requested funding for it and Mr. Ospital said he hasn't seen any proposals for it. Chair Lyou said it would be helpful to include a page on the website with details and deadlines for the BP Arco program. Ms. Enciso asked if there was any additional information available. Mr. Ospital said there are reports for the community benefits from the various organizations, what the results were, how many patients they saw and the improvements of the measures. Mr. Ospital continued to say that the research projects are still ongoing, so they don't have results yet, but he fully expects that they will be published in the Scientific Literature. Mr. Kennedy said it would be helpful for there to be a sentence or two on what the different programs are on the website, so if people didn't want to review the complete report they could read a short synopsis. Chair Lyou also noted it would be helpful to post the PowerPoint on the website.

Action Item: *Include the BP/ARCO Settlement Funds information on the website.*

Agenda Item #7 – Other Business

Chair Lyou noted at the next meeting they would discuss next year's meeting dates. Chair Lyou said for agenda items to contact Dr. Anupom Ganguli. Ms. Enciso requested a list of Congressional members with when the District has met. Mr. Kennedy requested an update on the San Bernardino CCP projects.

Action Item: *Provide a list of Congressional Members and provide an update on the San Bernardino CCP pilot projects.*

Agenda Item #8 – Public Comment

No comments received.

Agenda Item #9 – Adjournment

The meeting adjourned at 3:00 PM.